

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSE ALBERTO MARTINEZ HERNANDEZ,
ROBERTO JULIAN, ELIAS ROJAS,
AGUSTIN VALERIANO, EMILIO JEREMIAS
RAMIREZ ROJAS, and PRIXCO SORIANO,
Individually and on behalf of others similarly
Situated,

Plaintiffs,

CASE NO.: 1:17-cv-02176-ALC

v.

EAST WINGERS INC. (d/b/a BEST
WINGERS) and KUNJ PATEL,

Defendants.

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SUPPLEMENTAL AFFIDAVIT PURSUANT TO LOCAL CIVIL RULE 1.4

NOLAN KLEIN, ESQUIRE, declares as follows:

1. I am an attorney admitted to practice before the courts of the State of New York and the United States District Court for the Eastern District of New York. I am the managing partner of the law firm of the Law Offices of Nolan Klein, P.A.
2. I respectfully submit this declaration, pursuant to Local Civil Rule 1.4 of the United States District Courts for the Southern and Eastern Districts of New York, in support of the instant Motion to Withdraw as counsel of record for Defendants in the above-captioned case.
3. An Amended Complaint was filed on September 29, 2017. An Answer and Affirmative Defenses to the Amended Complaint was filed on October 16, 2017.
4. Defendant served its Initial Rule 26 Disclosures on Plaintiff on September 11, 2017. Plaintiffs were served with Defendant's First Set of Interrogatories and First Request

for Production on October 18, 2017. Defendant's counsel filed a Motion to Withdraw shortly thereafter on October 24, 2017.

5. Irreconcilable differences have arisen between the defendants and their counsel insofar as portions of the retainer agreement creating the attorney-client relationship, including payment for legal services, have not been adhered to. The defendants have been put on notice of counsel's intent to withdraw unless payment obligations were met, in writing, multiple times, including on October 16, 17, 18, 2017, and were sent drafts of the motion to withdraw on October 20, 2017.
6. My law firm does not intend to assert any liens in this case (without prejudice to its right to seek money owed via separate action).
7. I respectfully request that Your Honor grant the instant Motion to Withdraw as Counsel and terminate my appearance on the docket, as well as that of my associate, Valerie K. Ferrier, Esquire.

Pursuant to 28 U.S.C. § 1746, I certify under penalty of perjury that the foregoing is true and correct.

Executed this 31th day of **October**, 2017.



Nolan Klein, Esq.